

William T. Walsh  
Clerk

UNITED STATES DISTRICT COURT  
MARTIN LUTHER KING, JR.  
FEDERAL BLD & U.S. COURTHOUSE  
50 WALNUT STREET  
P.O. BOX 419  
NEWARK, N.J. 07101-0419

CAMDEN OFFICE  
4<sup>th</sup> & Cooper Streets  
P.O. Box 2797  
Camden, N.J. 08101

TRENTON OFFICE  
402 East State Street  
P.O. Box 515  
Trenton, N.J. 08603

June 25, 2007

REPLY TO: CAMDEN

Washington Western District Court  
United States Courthouse  
Bruce Rifkin, Clerk  
Lobby Level  
700 Stewart Street  
Seattle, WA 98101-1271

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JUL 02 2007

AT PLAINFIELD  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
RE

Re: MDL1850 In re Pet Food Products Liability Litigation

Tom Whaley vs. Menu Foods, Inc., et al 2:07-411 ~  
Stacey Heller, et al vs. Menu Foods 2:07-453  
Audrey Kornelius, et al vs. Menu Foods 2:07-454  
Suzanne E. Johnson, et al vs. Menu Foods 2:07-455  
Michelle Suggett, et al vs. Menu Foods 2:07-457

District of New Jersey Civil Action No. 1:07cv2867(NLH)(AMD)

Dear Clerk:

Enclosed is a certified copy of the Order of the Judicial Panel on Multidistrict Litigation, transferring the above-entitled action(s) presently pending in your Court to the District of New Jersey and assigning it to the Honorable Noel L. Hillman, USDJ for coordinated or consolidated pretrial proceedings pursuant to 28 USC 1407.

If your court is currently on CM/ECF Version 3.0 you can transfer the case to us via Case Extraction in Utilities. If you have any questions, please call me at 856-757-5021.

Please return the copy of this letter when transmitting your file(s) and certified copy of the docket sheet(s).



Sincerely,

WILLIAM T. WALSII, Clerk  
Marcy Barratt  
/s/ Deputy Clerk

Enc.

cc: Jeffrey N. Luthi

Clerk, Judicial Panel on Multidistrict Litigation

William T. Walsh  
Clerk

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Re: MDL 1850 In re Pet Food Products Liability Litigation  
Tom Whaley vs. Menu Foods, Inc., et al 2:07-411  
Stacey Heller, et al vs. Menu Foods 2:07-453  
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ATTEST: E  
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WESTERN DISTRICT OF WASHINGTON  
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Marcy Barratt  
/s/ Deputy Clerk

Enc.

cc: Jeffrey N. Luthi

Clerk, Judicial Panel on Multidistrict Litigation



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Message-Id:<2052798@njd.uscourts.gov>

Subject:Activity in Case 1:07-cv-02867-NLH-AMD IN RE: PET FOOD  
PRODUCTS LIABILITY LITIGATION MDL Conditional Transfer Order  
(in)

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**U.S. District Court**

**District of New Jersey [LIVE]**

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The following transaction was entered on 6/22/2007 at 11:16 AM EDT and filed on 6/22/2007

**Case Name:** IN RE: PET FOOD PRODUCTS LIABILITY LITIGATION

**Case Number:** 1:07-cv-2867

**Filer:**

**Document Number:** 1

**Docket Text:**

Certified Copy of Order from Judicial Panel of MDL transferring certain actions to this Court. (Attachments: # (1) Letter to Clerk# (2) Letter to Judge Hillman# (3) Panel Service List# (4) MDL Order Adopting Rules of Procedure)(sb)

**1:07-cv-2867 Notice has been electronically mailed to:**

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**Document description:** Main Document

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**Document description:** Letter to Clerk

**Original filename:** n/a

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**Document description:** Letter to Judge Hillman

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**Document description:** Panel Service List

**Original filename:** n/a

**Electronic document Stamp:**

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**Document description:** MDL Order Adopting Rules of Procedure

**Original filename:** n/a

**Electronic document Stamp:**

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Case 1:07-cv-02867-NLH-AMD Document 1 Filed 06/22/2007 Page 1 of 3

**A CERTIFIED TRUE COPY**

JUN 19 2007

ATTEST *Thomas J. Walsh*  
FOR THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATIONI HEREBY CERTIFY that I am a true and correct copy  
of the document on file in my office.  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
WILLIAM T. WALSH, CLERK  
*William Walsh*  
Deputy ClerkJUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

JUN 19 2007

FILED  
CLERK'S OFFICE**RELEASED FOR PUBLICATION****DOCKET NO. 1850****BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION****IN RE PET FOOD PRODUCTS LIABILITY LITIGATION****BEFORE WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J.  
FREDERICK MOTZ, ROBERT L. MILLER, JR., KATHRYN H. VRATIL,  
DAVID R. HANSEN AND ANTHONY J. SCIRICA, JUDGES OF THE PANEL****TRANSFER ORDER**

This litigation presently consists of thirteen actions listed on the attached Schedule A and pending in eight districts as follows: five actions in the Western District of Washington; two actions in the Western District of Arkansas; and one action each in the Central District of California, the District of Connecticut, the Southern District of Florida, the Northern District of Illinois, the District of New Jersey, and the Eastern District of Tennessee. Before the Panel are three motions, pursuant to 28 U.S.C. § 1407, that taken together seek centralization for coordinated or consolidated pretrial proceedings of all of these actions.<sup>1</sup> All responding parties agree that centralization is appropriate, but differ regarding the most appropriate transferee district for this litigation. In favor of the District of New Jersey as transferee district are moving Central District of California and Southern District of Florida plaintiffs and plaintiffs in the District of Connecticut, the District of New Jersey, and three of the Western District of Washington actions before the Panel, as well as plaintiffs in fourteen potentially related actions. Plaintiffs in two of the five Western District of Washington actions move for centralization in the Western District of Washington; plaintiffs in the Eastern District of Tennessee action support centralization there; and plaintiffs in the other three Western District of Washington actions alternatively support centralization there. In favor of the Western District of Arkansas as transferee district are plaintiffs in the two Western District of Arkansas actions and the Northern District of Illinois action, and plaintiffs in six potentially related actions. Plaintiffs in two potentially related District of New Jersey actions alternatively support centralization in the Western District of Arkansas. Supporting the Northern District of Illinois as transferee district are all responding defendants, including Menu Foods, Inc., and its related entities, and plaintiffs in one potentially related action. In favor of the Central District of California as transferee district are plaintiffs in nine potentially related actions. Finally, plaintiff in a potentially related Northern District of Ohio action suggests centralization in the Northern District of Ohio.

On the basis of the papers filed and hearing session held, the Panel finds that the actions in this

<sup>1</sup> Judge Miller did not participate in the decision of this matter.

<sup>1</sup> The Panel has been notified of 97 potentially related actions pending in multiple federal districts. In light of the Panel's disposition of this docket, these actions will be treated as potential tag-along actions. See Rules 7.4 and 7.5, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001).

-2-

litigation involve common questions of fact, and that centralization under Section 1407 in the District of New Jersey will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. All actions stem from the recall of pet food products allegedly tainted by melamine found in wheat gluten imported from China and used in these products. Centralization under Section 1407 is necessary in order to eliminate duplicative discovery; avoid inconsistent pretrial rulings, especially with respect to class certification; and conserve the resources of the parties, their counsel and the judiciary.

Although several districts could be described as an appropriate transference forum for this nationwide litigation, we are persuaded to select the District of New Jersey. Pretrial proceedings are advancing well there and about one-third of all pending actions are already in this district.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on the attached Schedule A and pending outside the District of New Jersey are transferred to the District of New Jersey and, with the consent of that court, assigned to the Honorable Noel L. Hillman for coordinated or consolidated pretrial proceedings with the actions pending there and listed on Schedule A.

FOR THE PANEL:

*Wm. Terrell Hedges*

Wm. Terrell Hedges  
Chairman

## **SCHEDULE A**

### MDL-1850 -- In re Pet Food Products Liability Litigation

#### Western District of Arkansas

*Charles Ray Sims, et al. v. Menu Foods Income Fund, et al., C.A. No. 5:07-5053*  
*Richard Scott Widen, et al. v. Menu Foods, Inc., et al., C.A. No. 5:07-5055*

#### Central District of California

*Shirley Sexton v. Menu Foods Income Fund, et al., C.A. No. 2:07-1958*

#### District of Connecticut

*Lauri A. Osborne v. Menu Foods, Inc., C.A. No. 3:07-469*

#### Southern District of Florida

*Christina Troiano v. Menu Foods, Inc., et al., C.A. No. 0:07-60428*

#### Northern District of Illinois

*Dawn Majerczyk v. Menu Foods, Inc., C.A. No. 1:07-1543*

#### District of New Jersey

*Jured Workman, et al. v. Menu Foods Ltd., et al., C.A. No. 1:07-1338*

#### Eastern District of Tennessee

*Lizajean Holt, et al. v. Menu Foods, Inc., C.A. No. 3:07-94*

#### Western District of Washington

*Tom Whaley v. Menu Foods, Inc., et al., C.A. No. 2:07-411*  
*Stacey Heller, et al. v. Menu Foods, C.A. No. 2:07-453*  
*Audrey Kornelius, et al. v. Menu Foods, C.A. No. 2:07-454*  
*Suzanne E. Johnson, et al. v. Menu Foods, C.A. No. 2:07-455*  
*Michele Suggett, et al. v. Menu Foods, et al., C.A. No. 2:07-457*